

In the Year of our L O R D, 1787.

Excise.

646



Acts and Laws,

Passed by the GENERAL COURT
of Massachusetts ;

Begun and held at *Boston*, in the County of *Suffolk*,
on Wednesday the thirty-first Day of *May*, Anno
Domini, 1787, and from thence continued, by Ad-
journalment, to Wednesday, the seventeenth Day of
October following.

C H A P. I.

An Act in Addition to an Act, entitled, "An Act to
raise a public Revenue by Excise."

B E it enacted by the Senate and House of Representatives, in General Court
assembled, and by the authority of the same, That so much of a clause in Clause in a former act repeal'd.
the act to which this is an addition, as directs the Collector or his Deputy,
who may receive certificates given by persons living in another county,
to transmit them to the Collector of the county, where the person giving
them lives, be repealed ; and that the several Collectors be, and they
are hereby directed, to transmit to the Comptroller-General, all the
certificates which they may receive from importers or other persons
accounting with them, except such certificates as are given by persons
living within their respective districts,—and if the Comptroller-General,
on examination, shall find any of those certificates not credited by the
person signing the same, he shall transmit them to the Collector of the
county or district, where the person giving them lives.

And

In the Year of our LORD, 1787.

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Society for propagating the Gospel.

Penalty for neglecting to account for excise, &c.

How recovered.

Penalty when licenced or permitted persons neglect to exhibit their accounts, &c.

Time this act shall operate.

And be it enacted, That if any person legally authorized to sell excised articles, shall give a certificate promising to account for the excise on the articles contained therein, and shall neglect to do it in the manner and at the times prescribed by the act to which this is an addition, such person shall pay the excise on the articles mentioned in such certificate, and *fifty per centum*, in addition thereto ;—and if any person not legally authorized as aforesaid, shall give such certificate, he shall forfeit and pay four-fold duties on the articles mentioned therein ; and the Collector of the county or district, where such delinquent lives, shall demand the same ; and if not paid in thirty days, he shall sue for, and recover the penalty aforesaid, in any Court proper to try the same ; and the Collector shall pay into the Treasury all such duties and penalties, as soon as may be, after the receipt thereof, and shall account with the Comptroller-General therefor.

And be it further enacted by the authority aforesaid, That if any licenced or permitted person shall neglect to exhibit his accounts and certificates, agreeably to the act to which this is an addition, on the first days of *May* and *November* annually, or within thirty days thereof, the Collector shall put his bond in suit, and shall recover a sum not less than double the whole amount of the duties on all the excised articles such person had on hand, at the settlement last made, and on all which he may have imported or given certificates to account for, since such settlement ; and if after rendering such accounts, any person shall neglect to pay the excise due thereon, for forty days after the said first days of *May* and *November* respectively, the Collector shall then proceed as is by law provided in case of the non-payment of the duties on Wheel-Carriages.

And be it further enacted, That this act shall begin to operate, and be in force, from and after the first day of *January*, in the year of our Lord, one thousand seven hundred and eighty-eight ;—and the Comptroller-General, is hereby directed to transmit a copy of this act, to the several Collectors of Impost and Excise, within this Commonwealth, that they may govern themselves accordingly.

[This Act passed *November 16, 1787.*]

C H A P. II.

An Act to incorporate certain Persons, by the Name of the Society, for propagating the Gospel among the Indians and others, in North-America.

amble.

W H E R E A S divers persons have petitioned this Court for an act of incorporation, whereby they may be the better enabled to carry into effect their design of propagating the gospel among the Indians and others in North-America, and it is reasonable that the prayer of the said petition should be granted : therefore, to promote and encourage the same,

tain persons incorporated.

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That *Richard Cranch*, of *Brain-tree*, Esq; *Rev. John Clark*, of *Boston*, *Francis Dana*, of *Cambridge*, Esq; *Rev. Joseph Eckly* and *John Elliot*, of *Boston*, *Rev. Nathaniel Emmons*, of *Franklin*, *Rev. Levi Frisbie*, of *Ipswich*, *Moses Gill*, of *Princeton*, and *William Hyslop*, of *Brookline*, Esq's. *Rev. Timothy Hilliard*, of *Cambridge*,

Jonathan

Jonathan Mason, of Boston, Esq; Rev. Phillips Payson, of Chelsea, Rev. Elephaz Porter, and Increase Sumner, Esq; of Roxbury, Ebenezer Storer, Esq; Rev. Peter Thacher and Oliver Wendell, Esq; of Boston, Rev. Joseph Willard and Edward Wiggleworth, and Samuel Williams, Doctor of Laws, of Cambridge, and the Rev. Ebenezer Wight, of Boston, be, with such others as they shall elect, and they hereby are incorporated, and made a body politic, for the purpose aforesaid, by the name of, The Society for propagating the Gospel among the Indians, and others, in North-America; and the Society aforesaid, shall have perpetual succession, and may have a common seal, which it shall be lawful for them to change, break, alter and make new at pleasure, and may purchase and hold in succession, lands, tenements, and real estate of any kind, the annual income and profits whereof not to exceed the value of *two thousand pounds*. And the said Society is hereby enabled to take and receive subscriptions, of charitably disposed persons, and may take any personal estate in succession; and all donations to the Society, either by subscriptions, legacy or otherwise, excepting such as may be differently appropriated by the donors, shall make a part of, or be put into the capital stock of the Society, which shall be put out on interest, on good security, or otherwise improved to the best advantage, and the income or profits applied to the purposes of propagating the gospel among the said Indians, in such manner as they shall judge most conducive to answer the design of their institution; and also among other people, who through poverty or other circumstances, are destitute of the means of religious instruction: And the said Society is hereby empowered to give such instructions, orders and encouragements to their officers, and those they shall employ, as they shall judge necessary; and the persons employed as teachers in any capacity, shall be men of the protestant religion, of reputed piety, loyalty, prudence, knowledge and literature, and of other Christian and necessary qualifications suited to their respective stations.

Society to have perpetual succession.

Enabled to take and receive subscriptions.

Persons employed as teachers to be of the protestant religion.

And be it further enacted by the authority aforesaid, That the said Society shall meet at some convenient place in the town of Boston, on the first Thursday of December next, and then chuse a President, Vice-President, Treasurer and Secretary, and such other officers as they shall judge proper, and may make bye-laws, and orders, for the regulation of the said society; provided such bye-laws and orders be not repugnant to the laws of the land, and act upon all matters which they apprehend needful, to promote the end of their institution: and the officers so chosen shall continue in their office, until the Thursday next succeeding the last Wednesday of May next following the time of their appointment.

Time and place for holding the first meeting.

And be it further enacted, That there shall be a general meeting of the members of the said Society, at Boston aforesaid, or in any other place within this Commonwealth, (unless some extraordinary occurrence prevent the same) on the Thursday aforesaid in May, and first Thursday of November, yearly, forever, and oftner if needful, when and where the said Society shall think fit; and any seven of the members (the President, Vice President, Treasurer, or Secretary always to be one) being convened at the said times and places, are hereby declared to be a quorum of the said general meeting; and the said Society at their general meeting in May in every year (and in case of any extraordinary occurrence preventing their meeting, then at their next general meeting after) shall out of their own body, by a majority of the members present, elect a President,

Time of holding general meetings.

Officers shall be under oath.

dent, Vice-President, Treasurer and Secretary, and such other officers as they shall find needful, to continue in office until the *May* meeting next following their appointment, or until others be chosen to succeed them ; and all the officers aforesaid, before they shall be qualified to act, shall be under oath, for the faithful performance of their respective trusts ; and the said Society, at their first, or any other stated meeting, (and at no other) may elect into their body, such persons as they shall judge qualified, to assist them in their good design ; provided the whole number of the said Society, shall at no time exceed fifty members ; and may appoint committees, to prosecute the orders of any general-meeting, audit the Treasurer's accounts, and prepare matters for the Society to act upon ; and such committees shall exhibit an account of their proceedings, at the general meetings of the said Society.

Society declared capable of prosecuting actions, &c.

And be it enacted, That the Society aforesaid, by the name aforesaid, shall be, and is hereby declared to be capable to prosecute, pursue, and defend, in all Courts, and places, and before all proper Judges whatsoever, all actions, causes, processes and pleas, of what kind or nature soever, in the fullest and amplest manner ; and if it shall happen that the said Society shall become seized of lands, or tenements by mortgage, as security for the payment of any debts, or by levying executions on lands for discharge of debts, due to the said Society, it shall be lawful for the said Society, by deed under the hand and seal of their President, for the time being, to sell and convey the lands acquired in either of the two mentioned ways ; provided that no such sale shall be made, or concluded on, but at some general stated meeting.

Society may remove any of their officers. Provide.

And be it further enacted, That the said Society be, and hereby is empowered, upon the death of their President, Vice-President, Treasurer, Secretary, or any other officer, to choose others at any stated general meeting, to succeed them ; and may also remove any of their officers, when they shall judge expedient, and appoint others to succeed them therein. *Provided always*, That no member shall be removed, or officers displaced, unless at one of the stated general meetings as aforesaid.

And to the end, that the members of the said Society, and all contributors to the said design, may know the state of the Society's stock, and the dispositions of the profits thereof, and of all the donations made to the said Society :

Account of stock &c. shall be exhibited at every general meeting.

Be it further enacted, That a particular account of such stock and disposition, shall be exhibited by the Treasurer, at every stated general meeting ; which accounts, the Secretary, or a committee of the said Society, (having examined the same) shall certify to be true ; and fair entries shall be made, in proper books, to be provided for that purpose, of all donations made to the said Society, and of all the estate, both real and personal, belonging to the Society, and of the incomes thereof, and also of all transactions, either by themselves, their officers, or committees, for, or on account of the said Society ; and the said books shall be brought to the stated general meetings of the Society, and be there open for the perusal and examination of the members.

Moses Gill, Esq. to call the first meeting.

And it is further enacted, That *Moses Gill, Esq.* be, and he hereby is authorized, by public notification, in *Adams and Nourse's Independent Chronicle*, to call the first meeting of the said Society, at such time and place, in the town of *Boston*, as he shall judge proper.

[This act passed November 19, 1787.]

CHAP.

C H A P. III.

An Act for the Relief of Poor Prisoners, who are committed by Execution for Debt:

BE it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That when any person, standing committed by force of any execution issuing from any Court in this Commonwealth, on a judgement recovered by any person, shall complain that he, or she, hath not estate sufficient to support him, or her; in prison, the goaler or keeper of such prison, shall on such complaint, apply to one of the Justices of the Peace, within and for the county, in which such prison is, who shall thereupon make out a notification in writing under his hand and seal, thereby signifying to the creditor, or creditors, such prisoner's desire of taking the privilege and benefit allowed in and by this act, and of the time and place, appointed for the intended caption of the oath or affirmation allowed by this act, and which being served on the creditor, or creditors, of the said prisoner, if he, she or they live within this Commonwealth, his or her executor, or administrator; and if such creditor or creditors, live out of this Commonwealth, upon his or their agent, or attorney, who brought forward the suit on which the judgment whereon the execution by which the prisoner stands committed, was rendered, by the Sheriff, or his deputy, of the county, in which the said service shall be made, either by reading the same to him or her, or by leaving an attested copy thereof, at the usual place of abode of such creditor or creditors, agent or attorney as aforesaid, at least thirty days before the time appointed for taking the said oath or affirmation, that he, she, or they may be present, if they see cause. *Provided*, That if any creditor or creditors, live out of this Commonwealth, and have no agent or attorney as aforesaid living in the same, an attested copy of such notification, shall be left with the Clerk of the Court, or the Justice by whom the said execution was signed, at least fifty days before such intended caption:

Clause respecting persons who stand committed, and have not sufficient estate to support themselves in prison.

And be it further enacted, That any two Justices of the Peace, within and for the county where such caption is to be taken, each of whom shall be of the quorum, and disinterested and not related either to the creditor or debtor, are hereby authorized and empowered, at the time and place appointed for the taking such caption, to examine the return of the said notification; and if it shall appear to be duly made, to administer the said oath or affirmation, after fully examining and hearing the parties, if they the said Justices, shall think proper so to do, to such debtor; which oath or affirmation, shall be in the form following, *to wit*.

Justices of the peace empowered to administer an oath or affirmation.

I do solemnly swear before Almighty God, (or affirm, as the case may be) that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not since the commencement of this suit against me, or at any other time, directly or indirectly, sold, leased or otherwise conveyed or disposed of, to, or intrusted any person or persons whomsoever, with all or any part the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or to expect any profit or advantage.

Form of the oath.

tage therefor ; or have caused or suffered to be done, any thing else whatsoever, whereby any of my creditors may be defrauded.—*So help me God*—(or this I do under the pains and penalties of perjury, as the case may be.)

Certificate of
such oath to be
made.

Which oath or affirmation being administered by the said Justices to, and taken by such prisoner, and a certificate thereof made under the hands and seals of the Justices administering the same, to such goaler or prison keeper, he shall thereupon set such prisoner at liberty, if he or she is committed for no other cause, and the body of such prisoner shall not be held in prison any longer upon such execution ; which certificate to be made by the Justices as aforesaid, shall be in the form following, *to wit*.

S. ff.

To

keeper of the goal at

Form of the
certificate.

We the subscribers, two of the Justices of the Peace for the said county of S. and each of us of the quorum, hereby certify, that A. B. a poor prisoner, confined upon execution for debt, in the goal at C. aforesaid, hath caused D. E. the creditor, at whose suit he was so confined, to be notified according to law, of his the said A. B's desire of taking the benefit of an act, intituled, " An act for the relief of poor prisoners, who are committed by execution for debt ;" that in our opinion the said A. B. hath not any estate, either real or personal, sufficient to support himself in prison, and that he hath not conveyed or concealed his estate with design to secure the same to his own use, or to defraud his creditors, and that we have after due caution to the said A. B. administered to him the oath (or affirmation) prescribed in the act aforesaid. Witness our hands and seals, this day of Anno Domini,

Penalty if con-
victed of per-
jury.

And be it further enacted by the authority aforesaid, That if any such prisoner as aforesaid, shall be convicted of having sold, leased or otherwise conveyed, concealed or disposed of, or intrusted his or her estate, or any part thereof, directly or indirectly, contrary to his or her foregoing oath, or affirmation, he or she shall not only be liable to the pains and penalties of wilful perjury, but shall receive no benefit from the said oath or affirmation, and in case such prisoner at the time of the intended caption, shall not take the said oath or affirmation, or be not admitted thereto by the said Justices, he shall be remanded back to prison, and shall not be entitled to the benefit of this act, unless a new notification be made out, and served in manner as aforesaid.

Judgments ob-
tained against
such prisoners,
shall remain
good and ef-
fectual.

And be it further enacted, That all and every judgment, obtained against such prisoners, shall notwithstanding such discharge as aforesaid, be, and remain good and effectual in law, to all intents and purposes, against any estate whatsoever, which may then or at any time afterwards, belong to him or her ; and the creditor or creditors, agent or attorney, their executors or administrators, may take out a new execution against the lands, tenements, hereditaments, goods, and chattles of such prisoner, (his wearing apparel, and household-furniture, necessary for himself, his wife and children, and tools necessary for his trade or occupation, only excepted) for the satisfaction of the debt, in such sort and manner as might have been done, in case the said prisoner had never been taken in execution.

And be it further enacted, That all and every person or persons, now in execution, and confined in any of the goals in this Commonwealth, who have been duly admitted to the oath prescribed in an act made and
passed

passed in the year of our Lord, one thousand seven hundred and sixty-three, intituled, "An act for the relief of poor prisoners for debt," and who are notwithstanding still held in custody, on the said execution, by his, her, or their creditor, paying such weekly allowance for their support in prison, as in the same act is provided, shall be, and they hereby are discharged from such executions, whereon such oath hath been administered; and the several goalers in whose custody such persons may be, shall upon due notice given them of this act, discharge them, if they are confined for no other cause.

Persons now in execution, who have been admitted to the oath prescribed in a former act, shall be discharged from prison.

[This Act passed November 19, 1787.]

C H A P. IV.

An Act in Addition to an Act entitled, "An Act declaring and confirming the Citizenship of *John Gardiner*, Esq; Barrister at Law, *Margaret Gardiner* his Wife, *Ann Gardiner*, *John Silvester* *John Gardiner*, and *William Gardiner*, their Children," passed in the Year of Our Lord, One Thousand Seven Hundred and Eighty-Four.

WHEREAS it appears by some misprision, that the name of the said *Ann Gardiner*, was not inserted in the enacting part of the said act: Preamble.

Be it therefore enacted by the Senate, and House of Representatives, in General Court assembled and by the authority of the same, That the said *Ann Gardiner*, is hereby declared to be a free citizen of the said Commonwealth of Massachusetts, and is entitled to all the privileges and benefits of the said act, as fully to all intents and purposes, as if the name of the said *Ann Gardiner*, had been inserted in the enacting part of the same. Enacting clause.

[This act passed October 25, 1787.]

C H A P. V.

An Act for naturalizing *Bartholomy De Gregoire*, *Maria Theresa de Gregoire*, his Wife, and their Children

WHEREAS *Bartholomy de Gregoire*, and *Maria Theresa* his wife, have presented a petition to this Court, for an act of naturalization of themselves, and of their children.—And it appears reasonable that the prayer of their petition should be granted. Preamble.

Be it therefore enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That the said *Bartholomy de Gregoire* and *Maria Theresa de Gregoire* his wife, be permitted to take and subscribe the oath of Allegiance, to this Commonwealth, before two Justices of the Peace, *quorum unus*, of any county within the same, and thereupon and thereafter they and each of them, together with their children, viz. *Pierre de Gregoire*, *Nicholas de Gregoire*, and *Maria de Gregoire*, Enacting clause.

goire, shall be deemed, adjudged and taken to be citizens of this Commonwealth, and entitled to all the liberties, rights and privileges of natural born citizens.

And be it further enacted by the authority aforesaid, That the Justices before whom the said Bartholomy de Gregoire, and Maria Theresa de Gregoire, his wife, may take and subscribe the oath aforesaid, shall make return thereof to the Secretary of this Commonwealth, who shall record the same, in the book ordered to be kept for such purpose.

[This act passed October 29, 1787.]

C H A P. VI.

An Act for enabling Proprietors of Private Ways and Bridges, to repair them in equal Proportion.

BE it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That when, and so often as any number of the proprietors and rightful occupants of any private way or bridge, where there are four, or more than four of them shall judge a proprietors meeting necessary, three of them applying to a Justice of the Peace, within and for the county, where the said way or bridge lies, such Justice is hereby authorized, and empowered, to grant a warrant for calling the same, or otherwise one fourth part of the said proprietors may of themselves call such meeting; in either case to be done by warrant under the hand of the said Justice, posted up in some public place or places, in the town or towns, where the said proprietors, and rightful occupants, live respectively, seven days at least before the time appointed for such meeting, signifying the time, place, and business thereof; and the major part of the proprietors, and rightful occupants, so assembled, shall have full power to determine by a major vote, on any other way of calling meetings in future, and to chuse a Clerk and Surveyor, who shall be sworn to the faithful discharge of their respective trusts, as town officers are, and to determine what repairs on the said way or ways, bridge or bridges are necessary, and also each proprietor's and occupant's proportion of labour, and materials necessary for repairing the said way or ways, bridge or bridges; and such Surveyor so chosen and sworn, shall have the same power with respect to such ways or bridges, as the Surveyors of highways are by law invested with, and shall be governed by the same rules as are prescribed by law for their direction; and in case of neglect or refusal of any proprietor or occupant, in attending the said work, by himself or other sufficient person in his stead, or furnishing materials when required by the said Surveyor, necessary for the repair of the said ways or bridges, agreeably to the determination of the said proprietors, he or she shall be subject to the same fines and penalties as are provided in case of town highways, and to be recovered in the same manner.

And be it further enacted, That if any Surveyor, chosen as is provided by this act, shall refuse or neglect to accept that trust, and take the oath aforesaid, he shall forfeit and pay the sum of twenty shillings, to be recovered in manner aforesaid: And all fines and forfeitures incurred by breach of this act shall be applied for the use of the propriety for repairing the said ways or bridges.

[This act passed November 12, 1787.]

C H A P.

Manner of calling proprietors meetings.

A Surveyor, &c. shall be chosen.

Penalty if any Surveyor neglects to accept that trust.

In the Year of our L O R D, 1787.

Second Parish in Worcester incorporated.

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C H A P. VII.

An Act for incorporating a number of the Inhabitants of the Town of Worcester, in the County of Worcester, into a seperate Parish.

WHEREAS a number of the inhabitants of the town of Worcester, belonging to the religious society, whereof the Reverend Aaron Bancroft, is pastor, have petitioned this Court, to be incorporated, for the reasons expressed in their petition, and it appearing to this Court reasonable that the prayer be granted :

Be it therefore enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That Levi Lincoln, Timothy Paine, David Bigelow, Joseph Allen, Palmer Goulding, Benjamin Flagg, John Peirce, John Stowers, John Barnard, Jedediah Healy, William Treadwell, Abel Stowell, Phincas Heywood, Eli Chapin, Cornelius Stowell, Thadeus Mc'Carty, Samuel Chandler, Abraham Lincoln, Samuel Flagg, Ephraim Mower, John Stanten, Timothy Bigelow, Clark Chandler, John Smith, Samuel Ailen, Ignatius Goulding, Daniel Goulding, Edward Bangs, Samuel Bridge, John Goodwin, Jacob Snow, Samuel Brazer, Nathan Heard, Nathaniel Paine, David Bigelow, Nahum Willard, Joel How, Oliver Peirce, Josiah Peirce, Isaiah Thomas, Samuel Fullerton, John Walker, David Chadwick, Ellis Gray Blake, Micah Johnson, Benjamin Andrews, Samuel Rice, Charles Chandler, Andrew Tufts, Daniel Clap, Benjamin Green, Joseph Torry, William Gates, Samuel Warden, Winthrop Chandler, William Johnson, William Jenneson, Anthony Paine, John Paine, Elias Mann, Peter Stowell, Thomas Stowell, Benjamin Butman, the petitioners, and members of the said religious society, together with their polls and estates be, and hereby are incorporated into a parish by the name of the second parish in the town of Worcester, with all the priviledges, powers and immunities which other parishes in this Commonwealth, are intituled to, by law.

Be it enacted by the authority aforesaid, That any of the inhabitants of the said town, shall at all times hereafter have full liberty to join themselves with their families to either of the parishes in the said town : Provided they shall signify in writing under their hands to the clerk of the said town, their determination of being considered as belonging to the parish to which they may join themselves as aforesaid.

And be it further enacted by the authority aforesaid, That the members of each respective parish, and their families, shall be deemed and considered as continuing members of their respective parishes, with their estates, for the time being, until they shall signify their determination to the contrary, as above expressed.

And be it further enacted by the authority aforesaid, That Levi Lincoln, Esq; be, and hereby is authorized, to issue his warrant, directed to some principal member of the said parish, requiring him to warn the members of the said parish, qualified to vote in parish affairs, to assemble at some suitable time and place in the said town, to choose such officers, as parishes are by law required to choose in the month of March or April annually, and to transact all matters and things necessary to be done in the said parish.

[This act passed November 13, 1787.]

C

C H A P.

C H A P. VIII.

An Act for the further regulating the Assize of barrel
Beef and Pork.

Quantity each
barrel &c. shall
contain, & how
packed.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing this act, every barrel of Beef salted for sale or exportation, shall contain at the least, two hundred pounds weight of Beef; and every half barrel, one hundred pounds weight of Beef, consisting of a due proportion of the best as well as the poorest part of each quarter respectively, without having any part culled out; to be packed in good sound full bound casks: And from and after the first day of *August* next, every barrel and half barrel of Beef, so packed, shall be in white-oak casks, clear of sap, and full bound. And from and after the passing this act, every barrel of Pork salted for sale or exportation, shall contain at least two hundred pounds weight of Pork, and every half barrel one hundred pounds weight of Pork; consisting of a due proportion of the best as well as the poorest part of each Hog, without having any part culled out; and each barrel containing not more than three half heads, and six legs, to be packed in good sound white-oak full bound casks: And from and after the first day of *August* next, every barrel of Pork so packed, shall be in white-oak casks, clear of sap and full bound. And the several Packers of salted Beef and Pork within this Commonwealth, are hereby directed to govern themselves accordingly, under the same penalties as are already in such cases by law provided.—And for the more effectually carrying into execution the provisions of this act:

Forfeiture, if not
packed &c. as
provided by this
act.

It is further enacted by the authority aforesaid, That if any person shall, from and after the passing this act, offer for sale, or sell any cask of salted Beef or Pork, not containing the quantity, and packed in the manner provided in this act, he shall forfeit for every cask of salted Beef or Pork he shall so offer for sale, the sum of *three pounds*, lawful money, to be recovered by action, information or indictment, in any Court proper to try the same, one moiety thereof, to the use of the person prosecuting for the same, and the other moiety, to the use of the poor of the town, wherein the offence shall have been committed.

Former act re-
pealed.

And be it further enacted by the authority aforesaid, That an act, entitled “An act for altering a certain clause in an act, entitled *An act regulating the exportation of flax-seed, pot-ash, pearl-ash, beef, pork, barreled fish and dried fish,*” made and passed in the year of our Lord, one thousand seven hundred and eighty-six, from and after the passing this act, be, and hereby is repealed.

[This act passed November 14, 1787.]

In the Year of our LORD, 1787.

Laws suspended.

Public Lights.

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C H A P. IX.

An Act for the continuance of, and in addition to an Act, entitled “An Act for suspending the Laws for the collecting of private Debts, under certain Limitations.”

WHEREAS the time limited for the duration of the said act, is near expiring: Therefore, Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act shall continue and be in force, until the third Wednesday of the next sitting of the General Court, and no longer. Time of continuance.

And be it further enacted, That when any execution shall be levied in pursuance of the act aforesaid, the appraisers shall be chosen in the following manner, and not otherwise:—The creditor shall choose one, and the debtor one; but if the debtor or creditor shall neglect, or refuse to choose as aforesaid, the other party shall choose one appraiser, and the officer shall choose one other appraiser. And in either case the two appraisers chosen as aforesaid, shall choose the third; any thing in the aforesaid act notwithstanding. Appraisers, how chosen.

Provided however, That in case the two appraisers chosen as aforesaid, shall not agree on a third appraiser, the Justice before whom they shall be sworn, shall appoint a third person. Proviso.

[This act passed, November 15, 1787.]

C H A P. X.

An Act for establishing Public Lights, on the north End of Plumb Island, in Ipswich-Bay, in the County of Essex.

WHEREAS it will be of great advantage to the commerce of this Commonwealth, that two public Lights should be established upon the north end of Plumb-Island, in Ipswich-Bay, in the county of Essex, in such a position as to form but one light to vessels passing over the bar, into Merrimack-River: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Commissary-General, together with Messieurs William Cosmbs, Michael Hodge, and William Bartlett, of Newbury-Port, in the county of Essex, merchants, be, and hereby are invested with full powers and authority to erect and build two small wooden Light-Houses, on the north end of Plumb-Island aforesaid, and in the position above described, convenient for fixing proper lights thereon: Provided the expence of erecting and building the said Light-Houses, shall not exceed the sum of three hundred pounds, lawful money: And provided the said Light-Houses be so constructed, as whenever the said bar should shift, the said Light-Houses may be moved so as always to be kept in the position aforesaid. Two small light houses to be erected.

Be it further enacted by the authority aforesaid, That the expence of building the said Light-Houses, shall be defrayed out of the monies which shall Proviso.
Expence, how defrayed.

In the Year of our LORD, 1787.

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Leominster.

shall be received into the Treasury of this Commonwealth, for the year one thousand seven hundred and eighty-eight, on account of duties imposed for the purpose of supporting and maintaining the several Light-Houses in this Commonwealth, not before appropriated.

Commissary General to provide suitable Lights, &c.

And it is further enacted by the authority aforesaid, That when the Light-Houses aforesaid, shall be completed, the Commissary-General, provide suitable lights to be placed therein, and maintain them in the same manner, and out of the same funds, as the other public Lights of this Commonwealth, are provided for and maintained; and the Commissary-General is hereby directed and enjoined to provide for the keeping the said Light-Houses, at all times, in the position above described.

Proviso.

Provided nevertheless, That nothing in this act shall oblige the Commissary-General, to advance any money for the support of the Lights, to be erected as aforesaid, until the debts previously contracted for the support of the public Lights, be first discharged out of the funds appropriated therefor; but if any person or persons will advance money, for the support of the said Lights, to be erected as aforesaid, the Commissary-General, is directed to charge the money so advanced, to the funds.

[This act passed November 16, 1787.]

C H A P. XI.

**An Act to annex a Gore of Land to the Town of
*Long-Meadow.***

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Gore of land lying at the south-easterly part of the town of Long-Meadow, and adjoining the said town, called the Gore, containing about four hundred acres, the said land being and lying north of what is called the Colony-line, and not included in any town, together with the inhabitants thereof, be, and hereby is annexed to the town of Long-Meadow; and the said inhabitants shall there do duty, and receive privileges, equal to the other inhabitants of the said town.

[This act passed November 16, 1787.]

C H A P. XII.

**An Act to unite the first and second Precincts in the Town
of *Leominster*, in the County of *Worcester*, into one
Parish.**

Preamble.

WHEREAS it appears to the General Court, from the representations of the inhabitants of the said Precincts, that it will be more convenient, and for the interest of the said town, that the first and second Precincts in the said town should be united into one Parish:

First and second
Precinct united.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the first and second Precincts in the said town of Leominster, be united into one Parish,
and

In the Year of our LORD, 1787.

Naturalization.

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and all Parish lines in the said town of *Leominster*, are hereby declared void ; any law, resolution or order, to the contrary notwithstanding.

Provided nevertheless, That the inhabitants and estates of the said *Provide* Precincts, respectively, be held to pay all Parish taxes, already assessed on them, and all Parish debts due from them, in their separate capacities, in the same manner that they would have been held, if this act had not passed.

[This Act passed November 16, 1787.]

C H A P. XIII.

An Act for naturalizing *Alexander Moore*, and others, herein named.

WHEREAS Alexander Moore, Isaac Smith, John Deverell, John Gregory, David Poignand, and Delicia his wife, and Abraham Bazin, now residents in Boston, and Benjamin Pickman, now resident in Salem, Henry Smith with Elizabeth his wife, in behalf of themselves and their children, also Kirk Boott, and William Pratt, now resident in Boston, have petitioned the General Court, that they may be naturalized, and it appearing reasonable that the prayer of the petitioners should be granted : *Preamble*

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Alexander Moore, merchant, Isaac Smith, clerk, John Deverell, silver-smith, John Gregory, merchant, David Poignand, merchant, and Delicia Poignand his wife, *Alex. Moore & others naturalized.* Abraham Bazin, merchant, Henry Smith, merchant, with Elizabeth Smith his wife, Henry Lloyd Smith, Elizabeth, Catherina, Rebecca and Anna Smith, children of the said Henry, now resident in Boston, Benjamin Pickman, Esq; now resident in Salem, in the Commonwealth of Massachusetts, William Pratt and Kirk Boott, both of London, in the Kingdom of Great-Britain, merchants, now residing in the said Boston, Mary Boott, the wife of the said Kirk Boott, and Frances the daughter of the said Boott, upon their respectively taking the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, (they being of age, or when they shall come to be of age) shall be deemed, adjudged, and taken to be free citizens of this Commonwealth, and entitled to all the privileges, liberties, and immunities of natural born subjects.

And be it further enacted, That the Justices before whom the persons aforementioned may respectively take the oath aforesaid, shall return a certificate thereof into the Secretary's-office, to be recorded in a book, ordered to be kept for that purpose.

[This act passed November 16, 1787.]

C H A P. XIV.

An Act for incorporating certain Persons for the Purpose of building a Bridge over the River between *Salem* and *Beverly*, and for supporting the same.

Preamble.

WHEREAS the erecting a Bridge over the River between *Salem* and *Beverly*, from the ferry-ways on *Salem* side, to some place on *Beverly* side, between the extremes of *Green's-Point*, and *Ellinwood's-Wharf*, (so called) will be of great public utility, and very beneficial to the county of *Essex*, in particular; and *George Cabot, Esq.* and others, have petitioned this Court for an act of incorporation, to empower them to build the said Bridge, and many persons, under the expectation of such an act, have subscribed to a fund for the purpose of erecting and compleating the same:

Proprietors incorporated a body politic.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That *George Cabot, Esq.* *John Cabot, John Fisk, Israel Thorndike, and Joseph White*, be, and hereby are constituted a Corporation for building a Bridge as aforesaid, so long as they shall continue to be proprietors in the fund to be raised for that purpose, together with all those who are, or shall hereafter become proprietors to the said fund, shall be a corporation and body politic, under the name of the Proprietors of *Essex Bridge*, and by that name, may sue and prosecute, and be sued and prosecuted to final judgment and execution, and to do and suffer all other matters and things, which bodies politic, may or ought to do and suffer, and that the said corporation, shall and may have full power and authority, to make, have and use a common seal, and the same to break and alter at pleasure.

Proprietors may call a meeting.

And be it further enacted by the authority aforesaid, That the said *George Cabot, Esq.* *John Cabot, John Fisk, Israel Thorndike, and Joseph White*, or any three of them, may by advertisement, in any two of the news-papers, call a meeting of the said proprietors, to be holden at any suitable time and place, after fifteen days from the publication of the said advertisement, and the said proprietors, by a vote of the majority of those present, or represented at the said meeting (accounting and allowing a vote to each single share in all cases) shall choose a Clerk who shall be duly sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations, that shall be necessary or convenient for regulating the said corporation, for effecting, compleating and executing the purposes aforesaid, or for collecting the toll hereafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof, may order and enjoin fines and penalties, not exceeding *four pounds*; provided the rules and regulations are not repugnant to the laws or constitution of this Commonwealth: and the said proprietors may also choose and appoint any other officer or officers of the corporation, that they may deem necessary; and all representations at the said meeting, shall be proved in writing, signed by the person making the same, by special appointment, which shall be filed with, or recorded by the Clerk; and this act, and all rules, regulations and votes of the said corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose provided and kept.

— may make & establish rules and regulations.

Proviso.

And

And be it further enacted by the authority aforesaid, That for the purpose of reimbursing the said proprietors the monies by them expended, or to be expended in building and supporting the said Bridge, a toll be, and is hereby granted and established for the sole benefit of the said proprietors, according to the rates following, *to wit.*—For each foot passenger, *one fiftieth part of a dollar*;—For each person and horse, *one twentieth part of a dollar*;—For each horse and chaise, for each sulkey, or for each sley drawn by one or more horses, *one eighth of a dollar*;—For each coach, chariot, waggon or curricle, *one fourth of a dollar*;—For each cart, waggon, sled or sley, or other carriage of burden, drawn by one or more beasts, *one tenth of a dollar*;—For each wheel-barrow, hand-cart, or other vehicle, capable of carrying a like weight, with one person, *three hundredths of a dollar*;—For neat cattle, and horses, exclusive of those rode, or in carriages, *three hundredths of a dollar each*;—For sheep and swine, at the rate of *one twelfth of a dollar for each dozen*. And toll on Lord's days, shall be double the above rates; and to each team one person and no more, shall be allowed as a driver, to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open. And the said toll shall commence on the day of the opening of the said Bridge, for passengers, and shall continue for and during the term of seventy years, at the end of which time the said Bridge shall be delivered up in good repair, to and for the use of this government.

Toll granted.

Rates of Tolls

When to commence, and how long to continue;

And be it further enacted by the authority aforesaid, That the said Bridge shall be well built, at least thirty-two feet wide, of good and suitable materials, and be well covered with plank or timber, on the top, suitable for such a Bridge, with sufficient rails, on each side, boarded eighteen inches from the bottom, for the safety of passengers; and the same shall be kept in good, safe and passable repair, for the term aforesaid; and at the end of the said term, the said Bridge shall be left in like repair. And the said proprietors shall constantly keep the said Bridge accommodated with at least, twelve good lamps, four of which shall be at the draw, and kept burning through the night; and all the said lamps shall be well supplied with oil, and lighted in due season, and those not at the draw, kept burning till twelve of the clock at night. And also at the several places where the toll shall be received, they shall erect and constantly expose to open view, a sign or board with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

Bridge,—how to be built.

— to be accommodated with 12 lamps, &c.

And whereas it is always deserving of the attention of government in accommodating the public, and in promoting undertakings of public utility, to guard as much as possible against inconveniences to any individuals; therefore for rendering the said Bridge, as little inconvenient as possible to the navigation of the said river, and for facilitating the passing and repassing of vessels through the said Bridge:

Be it further enacted by the authority aforesaid, That the said proprietors shall build, and during the said term keep a convenient and sufficient draw, or passage way, at least thirty feet wide, at some place in the said Bridge, proper for the passing and repassing of vessels by day and by night, through the said Bridge; and shall also build and maintain in good repair, a well constructed and substantial pier, or wharf, on each side of the said Bridge, and adjoining to the draw every way, sufficient for vessels to lie at, securely; and the said draw shall be lifted for all ships and vessels

A convenient draw, or passage way, to be built.

Draw shall be
lifted without
toll or pay &c.

vessels, without toll or pay, except for boats passing for pleasure ; and all ships and vessels intending to pass the said draw, shall lie free of charge, at the wharf or pier, until a suitable time shall offer for passing the same ; and the said proprietors shall, during the said term, constantly keep at the said draw, some suitable person or persons, for lifting up the same, for the passing or repassing of all ships and vessels, with masts that shall not admit of a safe passage under the draw ; and also an anchor placed in the bed of the river, at a proper distance above the draw, with a hawser of suitable size and strength extending through the draw to another anchor placed at a similar distance below the said draw, which hawser shall always have the right or middle part lodged at the draw ready for use, to all vessels passing the draw either way ; and they shall also constantly keep at the said draw, a good hawser or rope not less than three inches in circumference, of sufficient length to extend from the extremity of the wharf or pier on one side of the Bridge, to the extremity of the wharf or pier on the other.

Compensation to
be made to the
towns of Salem
and Danvers.

And be it further enacted by the authority aforesaid, That after the said toll shall commence, the said proprietors or corporation shall annually pay to the Treasurer of the town of *Salem*, or his successor in the said office, the sum of *forty pounds* lawful money, as a full compensation for the ferry-ways lately erected by the said town, the materials composing the same, and the emoluments arising from the said ferry ; and to the Treasurer of the town of *Danvers*, in the said county, or his successor, the sum of *ten pounds*, lawful money, annually.

And be it further enacted, That if the said proprietors shall refuse or neglect, for the space of four years after the passing of this act, to build and complete the said Bridge, then this act to be void, and of no effect.

[This act passed November 17, 1787.]

C H A P. XV.

An Act to prevent the Destruction of Oysters, and all other shell Fish, laying within the Harbours, Rivers and Bays within the Limits of the Towns of *Sandwich*, in the County of *Barnstable*, and *Wareham*, in the County of *Plymouth*, and the Towns of *Dartmouth*, and *Westport*, in the County of *Bristol*.

Preamble

WHEREAS it is of late the practice of persons belonging to other towns and ports to come with vessels and other craft into the rivers and harbours of the aforesaid towns of *Sandwich*, *Wareham*, *Dartmouth* and *Westport*, then and there to rake the beds of oysters and other useful shell fish, and carry away from the inhabitants large quantities of the said fish into other parts not belonging to this Commonwealth, by means whereof the said fish are in a great measure destroyed ; to the great damage of the poor and other inhabitants of the said towns :

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That any time from and after the first day of *March* next, no person or persons presume to take,
rake

take, or carry off by water, to any place, out of the limits of the said towns, more than three bushels of the said fish (including the shells) at any one time; and any person offending against this act, and being convicted thereof in any Court proper to try the same, shall forfeit and pay not less than *twenty shillings* nor more than *four pounds*, unless liberty for taking the said fish be first had and obtained from the major part of the Selectmen, of the respective towns, within whose limits they are taken; the said liberty to be had and taken in writing under their hands.

Penalty for offending against this act.

And be it further enacted, That if any person or persons residing in either of the said towns, shall aid or assist any person or persons as aforesaid coming out of or belonging to any other town, in the taking of any of the fish aforesaid, or shall supply them therewith, he shall forfeit and pay not less than *twenty shillings*, nor more than *four pounds*, for each offence.

Penalty for assisting.

And it is further enacted by the authority aforesaid, That if any vessel or boat shall be found within three miles of either of the harbours or shores, of either of the said towns, having on board more than three bushels of the said fish, (including the shells) taken within the limits aforesaid, the said vessel or boat not being owned in either of the said towns, and not having a permit in writing from the Selectmen of one of the said towns for taking the said fish, it shall and may be lawful for any person or persons to seize such vessel or boat, and detain the same until the master thereof, shall pay such fine or forfeiture as shall be ordered by the Court that shall try the same, and legal costs arising thereon.

Vessels or boats found with more than 3 bushels of fish on board, without a permit, may be seized.

And be it enacted by the authority aforesaid, That all breaches of this act happening in the said town of *Sandwich*, shall be heard and determined by any Justice of the Peace, in the county of *Barnstable*, who on complaint of any breach of this act made to him in writing, shall issue his warrant for apprehending and bringing before him the person thereof accused on oath. And all breaches of this act which shall happen in the town of *Wareham*, shall be heard and determined by any Justice of the Peace, for the county of *Plymouth*, in the manner aforesaid. And all breaches of this act committed in the town of *Dartmouth* or *Westport*, shall be heard and determined by any Justice of the Peace in and for the county of *Bristol*, in manner aforesaid. And all the forfeitures which may arise as aforesaid, shall accrue one half to him or them who shall complain as aforesaid and the other half to the poor of the town where the offence shall be committed.

Breaches of this act, — where & how tried.

And be it further enacted, That this act shall continue and be in force for two years from and after the passing the same, and no longer.

Limitation.

[This act passed November 20, 1787.]

C H A P. XVI.

An Act making Provision for the building and maintaining Light-Houses on the Sea-Coast of this Commonwealth, and for repealing all Laws heretofore made for that Purpose.

Tonage duty to be paid to the naval-officer, previous to the clearing of any vessel.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be paid by the master or owner of any vessel not employed in the coasting or fishing business, from and after the first day of January next, into the hands of the naval-officer where any vessel shall clear out for any port not in this Commonwealth, previous to the clearing of the said vessel, a duty of two pence and one half of a penny, per ton, to be computed agreeable to the rules of carpenters measurement.

A duty at the rate of 5d. per annum, a ton, to be paid by the master or owner of every fishing-vessel.

And be it enacted by the authority aforesaid, That from and after the said first day of January next, the master or owner of any fishing or coasting-vessel, of thirty tons or upwards, shall every six months pay unto the naval-officer of the port where such master or owner may reside, a duty at the rate of five pence per annum, for each ton the said vessel may measure, agreeably to the rules aforesaid; and if the master or owner of any such coasting or fishing-vessel, shall refuse to pay as aforesaid, the said naval-officer is hereby empowered and directed, within thirty days after such payment may become due, to sue for and recover the same, in any Court proper to try the same.

Proviso.

Provided nevertheless, That when any such coasting or fishing vessel may be employed in any voyages, other than coasting or fishing, so much of the annual duty shall be allowed by the said naval-officer, as shall be in proportion to the time they may have thus been employed.

A duty of 1s. per ton, on vessels not wholly owned by citizens of any of the United States.

And be it further enacted by the authority aforesaid, That from and after the first day of January next, there shall be paid by the master or owner of any vessel not wholly owned by some citizen or citizens of any of the United States, on an entry being made thereof at any naval-office within this Commonwealth, one shilling for each and every ton, carpenters measure, which the vessel may measure, and no more.

Master or owner of every vessel, shall enter, upon their arrival, the full tonnage thereof.

And be it further enacted by the authority aforesaid, That the master, or owner of every vessel, chargeable with the duties of light money as aforesaid, shall upon her arrival in any port in this Commonwealth, enter with the naval-officer of the port where the said vessel may arrive, the full tonnage thereof, agreeably to the rules of carpenters measurement; and the naval-officer shall calculate the duties on such vessel agreeably to such entry, unless he shall have any reason to believe that the said master or owner has made a short entry of her tonnage, in which case the said naval-officer shall, and he is hereby empowered and directed, to cause the said vessel to be measured by the rules of carpenters measurement, and if the said vessel shall be found to measure more tons than she is entered for, then, and in that case, the owner or master who entered the said vessel, shall pay three shillings per ton, for each and every ton, she shall be entered short of her real measurement: and the said naval-officers are hereby directed to give a certificate to each person for the receipt of the duties by him paid as required by this act.

And

And be it further enacted by the authority aforesaid, That each naval-officer shall be allowed *two per cent.* out of the duties he may collect as aforesaid, and the remainder thereof he shall every three months pay unto the Treasurer of this Commonwealth, and once in every year shall render unto the Treasurer aforesaid an account on oath of the monies so received, and make a settlement of the same ; and the said naval-officers shall each of them give bond to the Treasurer aforesaid, in the sum of *one thousand pounds*, for the faithful performance of the services required of them by this act.

Two per cent. allowed the naval-officer.

Remainder shall be paid to the Treasurer.

Naval-officers shall give bond.

And be it further enacted by the authority aforesaid, That all monies arising from the aforesaid duties, shall be appropriated to, and kept in the treasury, for the purpose of building, supporting and maintaining the Light-Houses on the sea-coast of this Commonwealth, and no other, and that the same be drawn out of the Treasury for that purpose, by warrant under the hand of the Governour, with the advice and consent of Council, as often as occasion may require ; and the Treasurer is hereby directed once in every year, to lay before the General Court an account of the monies received for the said duties, with the expenditure of the same.

Duties arising, how appropriated.

Treasurer shall lay an account before the General Court once in every year.

And be it further enacted by the authority aforesaid, That the persons, who are or may be appointed from time to time, to be keepers of the Light-Houses on the sea-coast of this Commonwealth, shall carefully and diligently attend their duty at all times, in kindling and keeping burning the lights, from sun setting to sun rising, and placing them so as they may be most seen by vessels coming in or going out ; and upon conviction of neglect of their duty before the Court of General Sessions of the Peace within the county, shall be liable to be fined according to the degree or circumstance of the offence, not exceeding *one hundred pounds*, one third part thereof to the use of this Commonwealth, and the other two thirds to the person or persons who shall inform of such neglect ; and shall be also liable to an action of damage brought by any person, who may suffer by such neglect, to be recovered in any Court proper to try the same.

Duty of Light-House Keepers.

Penalty for neglect.

And be it further enacted by the authority aforesaid, That from and after the first day of *January*, in the year of our Lord one thousand seven hundred and eighty-eight, all the acts heretofore made for the purpose of supporting and maintaining the Light-Houses on the sea-coast of this Commonwealth, shall cease to be of any force or validity, excepting for the recovery of any penalties, forfeitures or sums due, that have arisen by virtue of either of the said acts.

Laws heretofore made, repealed.

This act passed November 21, 1787.]

C H A P. XVII.

An Act authorizing the Justices of the Supreme Judicial Court, to licence the Sale of Real Estate by married Women, in certain Cases, and for other Purposes in the Act mentioned.

Preamble.

WHEREAS it sometimes happens, that husbands absent themselves from this Commonwealth, and abandon their wives, not making sufficient provision for their support, who may be thereby reduced to great distress, not being able to make any valid contracts, or dispose of any estate of their own: For remedy whereof,

Justices empowered to licence the sale of real estate by married women, in cases where husbands absent themselves.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all such cases where any married man has heretofore, or may hereafter absent himself from this Commonwealth, abandoning his wife and not making sufficient provision for her support or maintenance, the Justices of the Supreme Judicial Court are hereby authorized, at any of the terms of the said Court, upon the application of any such wife, to empower and enable her, during the absence of her husband from this Commonwealth, and no longer, in her own name, to make and execute any contract, either under seal or otherwise, and by deed to sell and convey any estate real or personal, of which at the time of such sale, she shall be seized or possessed in her own right, and to commence, prosecute and defend any suit in law or equity, to final judgment and execution, in the same manner, as fully, and to all intents and purposes, as if she was sole and unmarried; or the said Justices may grant to any wife any or all the powers above described, according as they shall judge the circumstances of such wife shall require.

If such husbands return, remedy shall lie against them.

And be it further enacted by the authority aforesaid, That if any such husband should return into this Commonwealth, while any contract made by his wife, pursuant to the powers aforesaid, should remain undischarged, the same remedy shall lie against such husband, as if the contract had been made by her before the marriage, and no suit pending, wherein his wife shall be a party, pursuant to the said powers, shall abate by his return into this Commonwealth.

Notice of applications, shall be given.

And be it further enacted by the authority aforesaid, That when application shall be made by any wife for any or all of the powers aforesaid, the Justices of the said Court, shall previous to their granting any of the powers aforesaid, cause such public notice of the said application to be given, as by law they are directed in case of any libel filed by any married woman for a divorce.

[This act passed, November 21, 1787.]

B O S T O N :

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M, DCC, LXXXVII.